IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

W.P.Nos. 18644 of 2000 & 7473 of 2002

W.P.No. 18644 of 2000

Between:

N.Damodara Rao, S/o. Subbaramayya, Dealer
Hindustan Petroleum Corporation Ltd., No. 181/1, Podalakur,
Nellor District-524 345,

..... PETITIONER

AND

1 The Indian Oil Corporation Ltd., Having its Regd, Office at 254/C,
Dr. Annie Desant Road, Mumbai, (Bombay), rep by its Chairman &
Managing Director,
2 The Senior Regional Manager, Indian Oil Corporation,
Regional Officer At 139, Nungambakkam high Road, Madras Town,
Tamilnadu State,
3 The Senior Divisional Manager, Indian Oil Corporation Ltd., IIIrd Floor,
G.V.R.Towers, Bharathnagar, Ring Road, Vijayawada 520 008.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an order or direction more in the Nature of Writ of Mandamus declaring the action of the respondent in calling for applications for establishing second petroleum filling station at Podalakur, Nellore District vide Sl.No.6 in the notification published in The Hindu dated 26.5.2000 as illegal, arbitrary, unjust and unconstitutional, being violative of Articles 14 and 21 of the Constitution of India, and also contrary to the

norms and guidelines issued by the 1st Respondent from time to time and consequently declare the same as null and void and nonest in the eye of law.

Counsel for the Petitioner : Mr.NAGESWARA RAO TURAGA (not present)

Counsel for the Respondents : MS.Y.N.LOHITA (SC FOR INDIAN OIL CORP.)

WRIT PETITION NO : 7473 of 2002

Between:

M/s. SARADA ENTERPRISES., Rep. by its Partner Sri Kolipara Anjaneyullu, S/o Late Samba Murthy, D.No.20-2-31, ITICAMPADU Road, Ponnur-522 124, Guntur District.

..... PETITIONER

AND

The Area Manager, Indane Area Office The INDIAN OIL CORPORATION LIMITED, G.V.R.Towers, 2nd Floor, Bharathi Nagar, Ring Road, Vijayawada-520 008.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent to appoint LPG Distributors in the areas of (a) Cherukupalle Mandal, (b) Nizampatnam Mandal, (c) Tsundur Mandal, (d) Kakumanu Mandal of Guntur Dist., where presently the Petitioner is doing his business in the same areas is illegal, arbitrary and improper.

Counsel for the Petitioner : Mr.M.NAGA RAGHU

Counsel for the Respondent : MR.P.V.SANJAY KUMAR

The Court made the following :

THE HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 18644 of 2000 &

W.P.No. 7473 of 2002

ORDER:

None appears for the petitioners.

The existing dealers who were granted Petroleum/LPG Dealership have filed the present writ petitions questioning the action of the respondent-Corporation in issuing notification for allotment of dealerships in their surrounding areas.

The learned Standing Counsel appearing for the Respondent-Corporation submits that this issue has been considered by a learned singe Judge of this Court in W.P.No.9634 of 2001 and observed that the rival dealers have no locus standi to question the selection of another dealer in the same field and dismissed the writ petition. The same was upheld by a Division Bench of this Court in W.A.No.1717 of 2001 dated 5.11.2001.

In the circumstances, following the order passed in W.A.No.1717 of 2001 dated 5.11.2001 and for the reasons mentioned therein, this writ petition is also dismissed by and in terms thereof. While communicating this order, a copy of order passed in W.A.No.1717 of 2001 dated 5.11.2001 shall be enclosed.

_____

N.V.RAMANA, J

Date: 15.7.2007

DA/TVK

To

1 The Chairman & Managing Director, Indian Oil Corporation Ltd.,
having its Regd, Office at 254/C, Dr. Annie Desant Road, Mumbai,
(Bombay).
2 The Senior Regional Manager, Indian Oil Corporation,
Regional Officer At 139, Nungambakkam high Road, Madras Town,
Tamilnadu State,

3 The Senior Divisional Manager, Indian Oil Corporation Ltd., IIIrd Floor, G.V.R.Towers, Bharathnagar, Ring Road, Vijayawada 520 008.

4 The Area Manager, Indane Area Office The INDIAN OIL CORPORATION LIMITED, G.V.R.Towers, 2nd Floor, Bharathi Nagar, Ring Road, Vijayawada-520 008.

(Addressees 1 to 4 along with copy of order dated 5.11.2001 in

W.A.NO. 1717 of 2001)

5 Two CD copies.